

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHEL PAYNE,)
)
Plaintiff,) **8:06CV686**
)
v.)
)
PETER KIEWIT SONS', INC., ROBERT)
EDICK, KEVIN MURRAY, and MARK)
JENSEN,)
)
Defendants.)

This matter is before the court on the defendant Robert Edick's Motion to Dismiss (Filing No. 13), and the defendant Mark Jensen's Motion to Dismiss (Filing No. 14). On April 3, 2007, the court entered an order granting these defendants' motions to dismiss with regard to the plaintiff's claims for defamation, slander and racial discrimination under Title VII and the NEFPA. The court also found the plaintiff had failed to state a claim against the individual defendants with respect to the claim under 42 U.S.C. § 1981. However, the court held the motions in abeyance giving the plaintiff until April 19, 2007, to amend the complaint to provide additional allegations, if appropriate, linking the individual defendants to any discriminatory conduct based on the plaintiff's race. The plaintiff did not file an amended complaint. Accordingly,

IT IS ORDERED:

1. The defendants' motions to dismiss (Filing Nos. 13 &14) are granted as to the plaintiff's claims under 42 U.S.C. § 1981, in accordance with the court's April 3, 2007 order (Filing No. 43). Therefore, all claims against the individual defendants Edick and Jensen are hereby dismissed.

2. The Clerk of Court is directed to send a copy of this Order to plaintiff at his last known address.

DATED this 20th day of April, 2007

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge